



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

_____	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	CIVIL ACTION NO. _____ (RC)
	§	JURY
_____	§	
	§	
<i>Defendants.</i>	§	

**SCHEDULING ORDER**

The Court, after considering the joint attorney conference report and after reviewing the case file, enters this case specific order which controls disposition of this action pending further order of the Court. The following actions shall be completed by the date indicated.<sup>1</sup>

**DEADLINES**

_____	Deadline to add parties
	Deadline for motions to transfer
_____	Mediation should occur by this date
_____	Plaintiff's disclosure of expert testimony pursuant to Fed. R. Civ. P. 26(a)(2) and Local Rule CV-26(b)
_____	Deadline for Plaintiffs to file amended pleadings
_____	

<sup>1</sup>If a deadline falls on a Saturday, Sunday, or a legal holiday as defined in Fed. R. Civ. P. 6, the effective date is the first federal court business day following the deadline imposed. All deadlines shall be as of 4:00 p.m., on the day specified. If delivery of a document or other item is required, and counsel chooses to mail the same, it shall be deposited, properly addressed and postage pre-paid, in a mailbox or at a post office, at least three (3) days before the indicated deadline, on a day mail is scheduled to be picked up by the postal service at that location, and at a time before the last scheduled pickup.

(A motion for leave to amend is not necessary.)

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Defendant's disclosure of expert testimony pursuant to Fed. R. Civ. P. 26(a)(2) and Local Rule CV-26(b)

5 weeks after disclosure  
of an expert is made

Deadline to object to any other party's expert witnesses.  
Objection shall be made a motion to strike or limit  
expert testimony and shall be accompanied by a copy  
of the expert's report in order to provide the court with  
all the information necessary to make a ruling on any  
objection

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Deadline for defendant's final amended pleadings (A  
motion for leave to amend is not necessary.)

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Deadline for motions to dismiss, motions for summary  
judgment, or other dispositive motions.

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All discovery shall be commenced in time to be completed  
by this date.

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Notice of intent to offer certified records

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Counsel and unrepresented parties are each responsible for  
contacting opposing counsel and unrepresented parties to  
determine how they will prepare the Joint Final Pretrial Order  
(*See* Local Rule CV-16(b) and Joint Proposed Jury Instructions  
and Verdict Form (or Proposed Findings of Fact and Conclusions  
of Law in nonjury cases).

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Motions in limine due

File Joint Final Pretrial Order. See Local Rules Appendix D.  
File Proposed Jury Instructions/Form of Verdict (or Proposed  
Findings of Fact and Conclusions of Law)

_____	Response to motions in limine due <sup>2</sup>
_____	File objections to witnesses, deposition extracts, and exhibits, listed in pre-trial order. <sup>3</sup> (This does not extend deadline to object to expert witnesses.) If numerous objections are filed the court may set a hearing prior to docket call.
_____	Pre-marked exhibit list due (Obtain form from District Clerk's Office)
_____	Docket call and Final Pretrial at 9:00 a.m. Date parties should be prepared to try case
_____	9:00 a.m. Jury Selection. Case will then be tried in order with other cases on the docket.

## **SCOPE OF DISCOVERY**

Modification. Taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues, the Court modifies the parameters of discovery in the following respects. *See* Fed. R. Civ. P. 26(b)(2)(iii).

Disclosure. The parties are reminded of the requirement, set out in this court's Initial Order Governing Proceedings, to have already disclosed, without awaiting a discovery request, information in addition to that required by Fed. R. Civ. P. 26, including names of persons likely to have, and documents containing, information "relevant to the claim or defense of any party."

If there are any questions about whether information is "relevant to the claim or defense of any party" review Local Rule CV-26(d). A party that fails to timely disclose any of the information required to be disclosed by order of this court or by the Federal Rules of Procedure, will not, unless such failure is harmless, be permitted to use such evidence at trial, hearing or in support of a motion.

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<sup>2</sup>This is not an invitation or requirement to file written responses. Most motions in limine can be decided without a written response. But, if briefing is needed on a particularly difficult or novel issue, the Court needs some time to review the matter.

<sup>3</sup>Objections not made at this time, with the exceptions of objection under Federal Rules of Evidence 402 and 403, shall be deemed waived.

Depositions. All of plaintiff's experts and defendant's experts may be deposed. The deposition of plaintiff's treating physicians, if any, may be taken. The deposition of \_\_\_\_\_ may be taken. In addition, each side is allowed the deposition of \_\_\_\_\_ additional fact witnesses as "extra depositions." Absent court order, all depositions shall be taken in compliance with Fed. R. Civ. P. 30(d) and Local Rule CV-30, except that the total time allotted for the "extra depositions" is six hours per side for all \_\_\_\_\_ depositions, whether the time is used in direct examination or cross-examination. Reasonable breaks for lunch and otherwise will not count toward the seven hour limit of Rule 30(d)(2), or the time limit for the extra depositions.

The parties are permitted unlimited depositions on written questions of custodians of business records.

The parties are excused from the pretrial disclosure requirements set forth in Federal Rule of Civil Procedure 26(a)(3) as such disclosure is cumulative of this Court's pre-trial order procedures.

#### **DISCOVERY DISPUTES**

A magistrate judge is available during business hours to immediately hear discovery disputes and to enforce provisions of the rules. The hotline number is (903) 590-1198. *See* Local Rule CV-26(e).

#### **RESOURCES**

The Eastern District of Texas website (<http://www.txed.uscourts.gov>) contains Local Rules, telephone numbers, general orders, frequently requested cases, the Eastern District fee schedule, and other information. For a fee, the PACER system allows you to access case information *via* the internet. To establish a PACER account, call (800) 676-6856 or (210) 301-6440.

#### **COMPLIANCE**

A party is not excused from the requirements of this scheduling order by virtue of the fact that dispositive motions are pending, the party has not completed its investigation, the party challenges the sufficiency of the opposing party's disclosure or because another party has failed to comply with this order or the rules.

Failure to comply with relevant provisions of the Local Rules, the Federal Rules of Civil Procedure or this order may result in the exclusion of evidence at trial, the imposition of sanctions by the Court, or both. If a fellow member of the Bar makes a just request for cooperation or seeks scheduling accommodation, a lawyer will not arbitrarily or unreasonably withhold consent. However, the Court is not bound to accept agreements of counsel to extend deadlines imposed by rule or court order. *See* Local Rule AT-3(j).

**SO ORDERED.**

**SIGNED** \_\_\_\_\_, 2003.

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Ron Clark  
United States District Judge